

REMARKS

Claims 1 and 3-28 are pending. Claims 1, 3, 4, 11, 18-22 and 27 have been amended. Claim 2 has been cancelled without prejudice.

Applicant notes with appreciation the indication that Claims 3-21, 23-26 and 28 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. Since appropriate ones of the latter claims have been so rewritten, they are now believed to be in condition for allowance.

Claims 1, 2 and 22 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. In particular, the Examiner took the position that the meaning of “transmitting a . . . signal at a slot corresponding to each of transmission and reception timings on the channel” was unclear. However, the English structure of this sentence is believed to be clear and unambiguous that a signal is transmitted at a slot that corresponds to each of the transmission and reception timings.

In particular, in a disclosed embodiment, an interference check packet is transmitted on the channel at a slot of transmission timing and thereafter at a slot of receptions timing, or at a slot of reception timing and thereafter at a slot of transmission timing, to check whether interference occurs. As shown in Figure 7, the interference check packet is transmitted at a slot of transmission timing to check whether interference occurs. Subsequently after having shifted timing by half a period, the interference check packet is transmitted at a slot of reception timing to check whether interference occurs. When no interference is detected at both slots, it is determined that these slots on the channel are available.

As to clarifying whether “channel” refers to a frequency channel, this is not an issue of clarity, but rather one of scope. Applicants sees no reason to narrow the recitation of channel unnecessarily.

It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested. Claim 22 was not rejected in view of prior art. The amendment to claim 22 does not narrow that claim in any way but simply improves its form, but not in response to the Section 112 rejection, which has been traversed. In view of the above, claim 22 is believed to be in condition for allowance.

Claims 1, 2 and 27 were rejected under 35 U.S.C. § 103 as obvious from U.S. Patent 6,470,006 (Moulsley) in view of U.S. Patent 6,693,885 (Sydon et al.). The cancellation of claim 2, and the amendment to claim 27 so that it depends on allowable claim 4, render their rejection moot.

Amended claim 1 recites, inter alia, that the base station determines that asynchronous interference occurs if one of an interference notification signal and an error packet are received in response to the first predetermined signal.

Column 5, lines 1-17 of Moulsley, which relates to the sending of interference data sent by the receiving station to the transmitting station, neither teaches nor suggests the feature of amended claim 1 discussed above. Sydon et al. does not remedy this deficiency of Moulsley as a reference against independent claim 1.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

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In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

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